

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

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THIS DOCUMENT RELATES TO ALL  
CLASS ACTIONS

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)  
) MDL No. 1456

)  
) CIVIL ACTION: 01-CV-12257-PBS

)  
) Judge Patti B. Saris

**PLAINTIFFS' MOTION FOR LEAVE TO JOIN HAROLD BEAN AS A PLAINTIFF  
AND PROPOSED CLASS REPRESENTATIVE**

Plaintiffs move the Court for leave to join as an additional Plaintiff and proposed Class 1 representative, Harold Bean. In support of this motion, Plaintiffs state as follows.

Class Plaintiffs have been diligently following the Court's Order to identify Class 1 representatives. As the Court knows, many of these class representatives are gravely ill.

On the eve of filing Class Plaintiffs' motion to certify Track 2 claims, Class Plaintiffs obtained the records necessary to add Mr. Bean as a proposed class representative for Class 1. Mr. Bean is 85 years old, covered by the Medicare Part B program and paid for epoetin alfa [both Procrit and Epogen], methyprednisolone, normal saline solution, ringers lactate infusion, adrenalin epinephrine injection, atropine sulfate injection, albuterol sulfate inhalation solution, ipratropium bromide, and goserelin acetate injection [Zoladex], all AWPIDs. His records have been turned over to the Defendants in time for them to conduct whatever discovery is needed.

Therefore, Class Plaintiffs request that their motion be granted and ask that the following paragraph be added to the Fourth Amended Master Consolidated Class Action Complaint:

24A. Plaintiff Harold Bean resides in Rockport, Texas  
and is a 85 year old Medicare Part B recipient with supplemental

insurance. Mr. Bean suffers from a number of acute medical conditions, including prostate cancer and a respiratory condition. During the applicable time period, Mr. Bean was prescribed, and was charged for, among others, the following physician-administered drugs, based in whole or in part on AWP: epoetin alfa [both Procrit and Epogen], methyprednisolone, normal saline solution, ringers lactate infusion, adrenalin epinephrine injection, atropine sulfate injection, albuterol sulfate inhalation solution, ipratropium bromide, and goserelin acetate injection [Zoladex]. Mr. Bean has made payments for the foregoing drugs, as his supplemental insurance requires him to make percentage payments. Mr. Bean is a proposed class representative for, among other Track 2 defendants, Abbott, Amgen, Baxter, Dey, the Fujisawa Group, Pharmacia, and Warrick.

Pursuant to Fed. R. Civ. P. 37(a)(2) and L.R., D. Mass 37.1, undersigned counsel certifies that Plaintiffs have conferred with counsel for defendants regarding the issues raised in this Motion, but the parties were unable to narrow their areas of dispute.

DATED: May 16, 2006.

By /s/ Steve W. Berman  
Thomas M. Sobol (BBO#471770)  
Edward Notargiacomo (BBO#567636)  
Hagens Berman Sobol Shapiro LLP  
One Main Street, 4th Floor  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003

#### **LIAISON COUNSEL**

Steve W. Berman  
Sean R. Matt  
Robert F. Lopez  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

Elizabeth Fegan  
Hagens Berman Sobol Shapiro LLP  
60 W. Randolph Street, Suite 200  
Chicago, IL 60601  
Telephone: (312) 762-9235  
Facsimile: (312) 762-9286

Eugene A. Spector  
Jeffrey Kodroff  
Spector, Roseman & Kodroff, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 496-0300  
Facsimile: (215) 496-6611

Kenneth A. Wexler  
Jennifer Fountain Connolly  
The Wexler Firm LLP  
One North LaSalle Street, Suite 2000  
Chicago, IL 60602  
Telephone: (312) 346-2222  
Facsimile: (312) 346-0022

Marc H. Edelson  
Allan Hoffman  
Edelson & Associates LLC  
45 West Court Street  
Doylestown, PA 18901  
Telephone: (215) 230-8043  
Facsimile: (215) 230-8735

Shanin Specter  
Donald E. Haviland, Jr.  
Kline & Specter, P.C.  
1525 Locust Street, 19th Floor  
Philadelphia, PA 19102  
Facsimile: (215) 772-1359  
Telephone: (215) 772-1000

**CO-LEAD COUNSEL FOR  
PLAINTIFFS**

**CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE**

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on May 16, 2006, I caused copies of **PLAINTIFFS' MOTION FOR LEAVE TO JOIN HAROLD BEAN AS A PLAINTIFF AND PROPOSED CLASS REPRESENTATIVE** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman